GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Home Department – Special Remission – Implementation of the Hon'ble High Court Orders - Release of twenty two (22) life convict prisoners from various prisons in Andhra Pradesh – Granted – Orders – Issued.

HOME (PAROLES) DEPARTMENT

G.O.Ms.No.105

Dated: 16.09.2021.

Read the following:-

(1) G.O.Ms.No.06, Home (Paroles) Department, dated: 09-01-2019.
(2) Order of High Court of AP, dt: 28-09-2019 in WP No.12192 of 2019.
(3) Orders of High Court of AP, dt: 23-10-2019 in WP No. 15308 of 2019, 15310 of 2019 & 15324 of 2019.
(4) Orders of High Court of AP, dt: 05-11-2019 in WP No. 16484 of 2019, 16482 of 2019,16455 of 2019,16454 of 2019,16415 of 2019,16414 of 2019, 16413 of 2019, 16412 of 2019,16485 of 2019 & 16410 of 2019.
(5) Orders of High Court of AP, dt: 24-01-2020 in WP No. 83 of 2020 & 107 of 2020.
(6) Orders of High Court of AP, dt: 17-02-2020 in WP No. 79 of 2020, 125 of 2020, 82 of 2020 & 805 of 2020.
(7) Order of High Court of AP, dt: 09-11-2020 in WP No. 4705 of 2020.
(8) Order of High Court of AP, dt: 19-01-2021 in WP No. 22488 of 2020.
(9) Letter No.RC-2/131/2019, Dt.04-05-2021 of the DG of Prisons & CS, Andhra Pradesh Vijayawada.
(10) Letter No.RC-2/131/2019, Dt.05-08-2021 of the DG of Prisons & CS, Andhra Pradesh Vijayawada.

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ORDER:-

In the reference 1st read above, the Government have issued guidelines for grant of Special Remission to the Life convicted prisoners on the occasion of Republic Day, 2019 and directed the Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada, to send the prison-wise lists of eligible convicted prisoners to Government. Accordingly, a list of 121 eligible life convict prisoners was submitted to the Government along with the said (121) cases, a list of (40) cases of life convicted prisoners who are eligible earlier for premature release as per the conditions laid down in G.O.Ms.No.08, Home (Paroles) Department, Dated 23.01.2018 and whose writ petitions were allowed by the Hon'ble High Court of Andhra Pradesh in its order dated: 31.10.2018 were also submitted to the Government for taking necessary action.

2. The Standing Committee constituted under the chairmanship of the Principal Secretary to Government (Home), vide G.O. Ms. No. 06, Home (Paroles)Department, Dated. 09.01.2019 has reviewed the lists of (121) and also (40) life convict prisoners. The Committee after detailed examination of each prisoner's case recommended for the grant of Special Remission and premature release of (33) life convicted prisoners and deferred the grantof Special Remission to the remaining (128) life convicted prisoners.

P.T.O.

RC-2/131/2019

3. Aggrieved by the decision taken by the Standing Committee, the family members/friends of the (23) life convicted prisoners have filed Writ Petitions in the Hon'ble High Court of Andhra Pradesh challenging the decision taken by the Government for not considering their cases for premature release on 26.01.2019 as per G.O.Ms.No.6, Home (Prisons) Department, dated 09.01.2019.

4. The Hon'ble High Court of Andhra Pradesh while allowing the said Writ Petitions in its orders vide references 2nd to 8th read above, has opined that the orders passed by the committee rejecting the plea for grant of remission to the relatives/friends of the petitioners is not based on sound reasoning; therefore, it is hereby quashed and have directed the respondents to reconsider the cases of the said (23) convicts of the petitioners, for grant of remission in view of G.O.Ms.No.06, dated 09-01-2019.

5. The Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada in reference 9th read above has therefore, requested the Government to take further course of action for release of the said (23) life convict prisoners in light of the orders issued by the Hon'ble High Court of Andhra Pradesh in the references 2nd to 8th read above respectively.

6. In obedience to the orders of the Hon'ble High Court of Andhra Pradesh in the references 2nd to 8th read above respectively, the Standing Committee met on 22.06.2021 at 11:00 AM in the chambers of Principal Secretary to Government, Home Department, Block-II, Andhra Pradesh Secretariat, Velagapudi reviewed (23) cases in accordance with the guidelines issued in the G.O.Ms.No.06, Home (Paroles) Department, Dated 09.01.2019. The Committee after detailed examination of each prisoners case recommends for the grant of Special Remission and Premature Release of (23) life convicted prisoners.

7. Further, the Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada in reference 10th read above has submitted that Convict Prisoner No.6861 Miriyala Surya Rao @ Suryam Dora, S/o Bala Dora of Central Prison, Rajamahendravaram who was one amongst the (23) life convicted prisoners recommended for the grant of Special Remission and Premature Release has expired on 28.07.2021 at about 08:10 PM while undergoing treatment at Govt. District Hospital, Rajamahendravaram.

8. In compliance to the orders of the Hon'ble High Court of Andhra Pradesh in the references 2nd to 8th read above respectively and in view of the circumstances stated above and in exercise of the powers conferred under Article 161 of the Constitution of India, read with section 432 of the Code of Criminal Procedure, 1973, (Central Act 2 of 1974), the Governor of Andhra Pradesh hereby remits the unexpired residual sentence of Twenty Two (22) life convicted prisoners as shown in the **Annexure-I** of this order duly leaving one person, subject to the following conditions: -

(a) All premature releases under this G.O. shall be subject to execution of a Personal Bond of Rs. 50,000/- (Rupees fifty thousand only).

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(b) The prisoners after release shall appear before the Probation Officer and Police Station concerned once in (03) three months till the completion of unexpired portion of sentence.

(c) Re-arrest of the released prisoners, on cancellation of the remission granted under this G.O. in case he/she commits any criminal offence.

9. The grant of this Special Remission is being done subject to the final orders being passed by the Hon'ble Supreme Court of India while answering the referral order in W.P. (Crl) No. 48/2014 filed by Union of India Vs. V. Sriharan @ Murugan & others.

10. The Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada shall take necessary action for release of the prisoners as shown in Annexure-I, duly obtaining the personal bond as prescribed in Annexure-II appended to this order.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Prisons and Correctional Services,
Andhra Pradesh, Vijayawada.
The Director General of Police, Andhra Pradesh, Mangalagiri.
(through the Director General of Prisons and Correctional Services,
Andhra Pradesh, Vijayawada.)
The Superintendents of Jails, Central Prison, Rajamahendravaram,
Visakhapatnam, Kadapa & Nellore. (through the Director General of
Prisons & Correctional Services, Andhra Pradesh, Vijayawada).

Copy to :-
The Director, Information & Public Relations, Andhra Pradesh.
The PS to the Hon'ble Governor of Andhra Pradesh.
The PS to Principal Secretary to the Hon'ble Chief Minister, Andhra Pradesh.
The OSD to Chief Secretary to Government, Andhra Pradesh.
The PS to the Hon'ble Minister (Home). Andhra Pradesh
The PS to Advocate General, High Court of Andhra Pradesh.
The PS to Principal Secretary to Government, Home Department
The Law (C) Department.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

ANNEXURE TO G.O.Ms. No.105, HOME (PAROLES) DEPT., DATED:16.09.2021	
Sl. No.	**Name, CT.No., & Age of the Convict**
COASTAL ANDHRA RANGE	
Central Prison, Rajamahendravaram	
MALE (7 + 3)	
1	CT No. 5860 Eesa Daniel S/o Yacobu Age: 45 Years
2	CT No. 6403 Jampana Gopala Krishna S/o Venkateswara Rao Age: 53 Years
3	CT No. 7939 Shaik Ghouse Jonny @ Jony S/o Badusa Age:30 Years
4	CT No. 16 Surneedi Chakram S/o Surya Rao Age:42 years
5	CT No. 42 Dabbakuti Radhakrishna S/o Late Mannemaiah Age:38 years
6	CT No. 8485 Kodavati Jayandra Rao S/o Sattiraju @ Sathiyya Age:43 years
7	CT No. 8913 Denduluri Siva Kumar S/o Durga Prasad Age:42 Years
8	CT No. 9091 Kovvuri Govindaiah S/o Narayana Age:42 years
9	CT No. 9177 Telapala China Koteswara Rao S/o Krishnaiah Age:32 years
Old & Decrepit Prisoner	
10	CT No.2094 Ankati Gopala Rao @ Gopalakrishna Murthy S/o Venkatadri Age:60 Years
Central Prison, Visakhapatnam	
MALE (7 + 3)	
11	CT No. 219 Kumuduboyina Barkanna S/o (Late) Kannayya Age:62 Years
12	CT No. 9395 Chilla Rambabu S/o (Late) Ramaswamy Age: 50 years
13	CT No. 9960 Narava Appala Raju S/o Bodesu Age: 32 years
14	CT No. 9666 Ithemsetti Ramana @China Ramana S/o (late) Venkunaidu Age: 46 years
15	CT No.9279 Banka Srinu S/o Pydayya, Age. 41 Years
16	CT No. 3310 V.K Prabhakar @ Babu @ Prabhakar S/o Venkata Reddy Age: 37 Years
KADAPA RANGE	
Central Prison, Kadapa	
Old Age (above 65 Years)	
17	CT No. 4963, Jarapala Chande Naik S/o Jarapala Sakhya Naik Age:65 Years
Central Prison, Nellore	
MALE (7 + 3)	
18	CT.No. 1402, Neram Chinnabbai S/o Valasaiah Age : 43 Years
19	CT .No. 1166, Mekala Suresh S/o Ramanaiah Age : 40 Years
20	CT .No. 1776, Pitchapati Ramana Reddy S/o Subba Reddy Age : 57 Years
21	CT.No. 1009, Mekala Mallikarjuna S/o Subrahmanyam Age : 36 Years (PAC)
22	CT.No. 1285, Sannikanti @ Saniganti Srinu @ Srinivasa Rao S/o Gopalaiah Age : 40 Years (PAC)

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

G.O.MS.No.105, HOME (PAROLE & HRC) DEPARTMENT DATED.16-09-2021
నకు అనుబంధము –2

వ్యక్తిగత బాండు

1973, క్రిమినలు ప్రొసీజరు కోడు(1974 లో 2వ కేంద్ర చట్టము) 432(1)(3)వ విభాగము ద్వారా లభ్యమైన అధికారాలను పురస్కరించుకొని ఆంధ్ర ప్రదేశ్ ప్రభుత్వము సదరు ఖైది అంగీకారము మేరకు ఈ క్రింది షరతులను విధించడమైనది.

_____ గ్రామ

నివాసి, _____

గారి కుమారుడు/ కుమార్తె

_____ అను

నేను, ఈ క్రింది షరతులను పాటించగలనని బాండు వ్రాసి ఇచ్చే షరతు మీద ప్రభుత్వము నా మామూలు జైలు శిక్ష ముగియడానికి ముందే నన్ను విడుదల చేయువలసినదిగా ఆదేశించిన దృష్ట్యా, ఈ క్రింది షరతులకు బద్ధుడనై వుండగలనని ఇందు మూలముగా నేను హామీ ఇస్తున్నాను.

షరతులుః

1. విడుదలైన తేదీ నుండి ఏడు రోజులలోగా నేను, సదరు ప్రొబేషను అధికారి మరియు సదరు పోలీసు స్టేషను అధికారి ముందు హాజరై నా యొక్క విడుదల ఉత్తరువు, నేను వ్రాసి ఇచ్చిన బాండు షరతులను దాఖలు చేయగలను.

2. నేను నా మామూలు జైలు శిక్ష కాలపరిమితి ముగిసేంత వరకు, సదరు ప్రొబేషను అధికారి మరియు సదరు పోలీసు అధికారి ఎదుట ప్రతీ మూడు నెలలకు ఒక్క సారి హాజరు కాగలను.

3. నేను నా మామూలు జైలు శిక్ష కాలపరిమితి ముగిసేంత వరకు, నా నివాస స్థలము గురించి, నా జీవనోపాది గురించి సదరు ప్రొబేషను అధికారి మరియు సదరు పోలీసు స్టేషను అధికారికి తెలియపరచగలను.

4. చట్ట విరుద్ధ కార్యకలాపాలలో పాల్గొను వ్యక్తులతో కలసి తిరగడము కానీ, గడపడము గానీ చేయను.

5. భారతదేశములో అమలు నందు ఉన్న ఏ చట్టము క్రిందనైన శిక్షించదగు నేరాన్ని చేయను.

పైన పేర్కొన్న షరతులలో వేటినైన ఉల్లంఘించినట్లైతే, ఆంధ్రప్రదేశ్ ప్రభుత్వానికి రూ.50,000/- (అక్షరాలా యాభై వేల రూపాయలు) మొత్తాన్ని చెల్లించుటకు మరియు తిరిగి అరెష్టు అయి, విడుదలైన నాటికి అనుభవించకుండా ఉన్న మిగిలిని శిక్షా కాలాన్ని అనుభవించేందుకు గాను పాత్రుడను కాగలనని ఇందు మూలముగా బద్ధుడనగుచున్నాను.

తేదిః

సంతకము